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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/552,262	04/19/2000	Jerry Dunietz	5486-0218PUS1	4106

67321 7590 11/19/2008  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
PO Box 747  
FALLS CHURCH, VA 22040-0747

EXAMINER
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BASEHOAR, ADAM L

ART UNIT	PAPER NUMBER
2178	

MAIL DATE	DELIVERY MODE
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* JERRY DUNIETZ,  
NATHAN LEWIS and JASON HILLS

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Application 09/552,262  
Technology Center 2100

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Mailed: November 19, 2008

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Before KRISTA ZELE, *Deputy Chief Appeals Administrator*.

ZELE, *Deputy Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on September 22, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

**INFORMATION DISCLOSURE STATEMENT**

Appellants filed an Information Disclosure Statement (IDS) dated February 27, 2004. There is no indication on the record that the Examiner has considered the above IDS. Section 609 of the *Manual of Patent Examining Procedure* (MPEP) (Eighth Edition, Rev. 1, February 2003) requires the Examiner to consider any IDS filed by Appellants if timely submitted. A written communication notifying Appellants of the Examiner's consideration of the above IDS is required.

Accordingly, it is **ORDERED** that the application is returned to the Examiner:

- 1) for acknowledgement and consideration of the IDS filed February 27, 2004; and
- 2) for such further action as may be required.

KZ:psb

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